

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MAURLANNA BRAXTON, et al.

v. : Civil Action No. DKC 18-1946

KENNETH ANTONIO JACKSON, et al.

MEMORANDUM OPINION AND ORDER

This retaliation case was dismissed on April 11, 2022, due to Plaintiffs' failure to maintain current addresses with the court and to respond to an order by Magistrate Judge J. Mark Coulson directing the parties to file a status report "clarifying whether a bench trial or jury trial is sought, and whether the parties would consent to having this case assigned to a U.S. Magistrate Judge for all further proceedings including trial." (ECF Nos. 70, 73). Plaintiff Brittany Scott filed a letter on May 31, 2022, which this court has construed as a motion to vacate dismissal, in which she stated that she did not receive Judge Coulson's order and expressed interest in continuing with settlement negotiations. (ECF No. 74).

On September 22, 2022, this court directed Plaintiff Scott to advise the court of her intentions towards this action within 21 days. (ECF No. 76). Specifically, this court directed that Plaintiff Scott clarify whether she wishes to proceed to trial if

settlement is not possible, whether she seeks a jury trial or a bench trial, and whether she consents to a trial before a magistrate judge. With more than a month now passed, Plaintiff Scott has not responded.

The Federal Rules of Civil Procedure allow courts to relieve parties from final judgments for various reasons, including "excusable neglect." Fed.R.Civ.P. 60(b). However, the Rules also "recognize that courts must have the authority to control litigation before them, and this authority includes the power to order dismissal of an action for failure to comply with court orders." *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989) (citing Fed.R.Civ.P. 41(b)). District courts may exercise that power *sua sponte*. *Gantt v. Md. Div. of Corr.*, 894 F.Supp. 226, 229 (D.Md. 1995).

Plaintiff Scott may have shown good cause for failing to comply with Judge Coulson's order—that is, the fact that she did not receive it. However, any justification for vacating dismissal of the case is undermined by Plaintiff Scott's failure to respond to this court's September 22, 2022, order. Furthermore, Plaintiff Scott's failure to clarify her intentions leaves this court unable to move forward with the matter if it did vacate dismissal.

Accordingly, it is this 14th day of November, 2022, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. The motion to vacate dismissal filed by Plaintiff Scott (ECF No. 74) BE, and the same hereby IS, DENIED; and
2. The Clerk IS DIRECTED to mail a copy of this Order to Plaintiffs and Defendants.

/s/

DEBORAH K. CHASANOW
United States District Judge